



Attorney Docket No.: 43888-314  
**PATENT**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of :  
Yuu INATOMI, et al. : Customer No.20277  
Serial No.: 10/827,424 : Confirmation No.: 2569  
Filed: April 20, 2004 : Group Art Unit: 1745  
Examiner: HELEN OK CHU

For: ELECTROCHEMICAL DEVICE AND ELECTRODE ACTIVE MATERIAL FOR  
ELECTROCHEMICAL DEVICE

**ELECTION UNDER 35 U.S.C. § 121**

Mail Stop Amendment  
Hon. Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the restriction requirement set forth in the Office Action mailed  
April 25, 2006, having a shortened statutory period for response set to expire  
May 25, 2006, wherein the Examiner required restriction between the following distinct  
Species:

**Species 1A:** Claims 19, 21-22, 24-25, 27, 28, 30, 32, 34, 35, 37, 38, 40,  
41, 43, 44, 46, 47, 49, 50, 52, 53, 55, 56 drawn to an electrode active material for an  
electrochemical device represented by formula 1a and 2 in addition to the limitations set  
forth; and

**Species 1B:** Claims 20, 23, 26, 29, 31, 33, 36, 39, 42, 45, 48, 51, 54 and  
57 drawn to an electrode active material for an electrochemical device represented by  
formula 1b and 2 (Claim 31) in addition to the limitations set forth.

Applicants elect **Species 1A**, with claims 19, 21-22, 24-25, 27, 28, 30, 31, 32, 34, 35, 37, 38, 40, 41, 43, 44, 46, 47, 49, 50, 52, 53, 55, 56 and 58 readable thereon, for initial prosecution on the merits.

It is noted that Applicants have indicated that claims 31 and 58 also read on the elected species and should also be included claims examined in this application, as the restriction requirement imposed by the Examiner appears to be based on the recitation of the different X groups in the claims, rather than different R groups.

Applicants also reserve the right to file a Divisional Application for the non-elected claims, which the Examiner has indicated are patentably distinct.

Applicants believe that no extension of time is required. However, this conditional petition is being made to provide for the possibility that Applicants have inadvertently overlooked the need for a petition for extension of time.

The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. 50-0417. A duplicate copy of this Response is enclosed for accounting purposes.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP

Date: \_\_\_\_\_

5/25/06

By: \_\_\_\_\_

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